

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 24-cv-20543-KMW

JUAN MENDEZ,

Plaintiff,

v.

ALPHA & OMEGA CALIBRATION
SERVICES LLC and LIZ Y. LAGO,

Defendants.

_____ /

SOUTHERN DISTRICT JOINT PLANNING AND SCHEDULING REPORT

Pursuant to Southern District of Florida Local Rule 16.1(b) and Federal Rule of Civil Procedure 26(f), on May 1, 2024, counsel for Plaintiff, P. Brooks LaRou, Esq. and counsel for Defendants, Ena T. Diaz, Esq. conferred and now file this Joint Planning and Scheduling Report and show the Court as follows:

PROPOSED TRIAL DATE: September 8, 2025

ESTIMATED TIME FOR TRIAL: 3-4 days (Jury)

CASE MANAGEMENT TRACK as Standard
defined in S.D. Fla. L.R 16.1(a)(2):

ELEMENTS REQUIRED BY LOCAL RULE 16.1

A. LIKELIHOOD OF SETTLEMENT

The likelihood of settlement is unknown at this time. The parties anticipate revisiting the possibility of settlement at various stages of the litigation and will promptly advise the Court of any resolution.

**B. LIKELIHOOD OF APPEARANCE IN THE ACTION OF
ADDITIONAL PARTIES**

Unknown at this time.

C. PROPOSED LIMITS ON TIME SCHEDULE:

1. Join other parties and amend the pleadings

See attached proposed Joint Scheduling Order.

2. File and hear motions

See attached proposed Joint Scheduling Order.

3. Complete Discovery

As reflected in the attached proposed Joint Scheduling Order, the Parties propose that this case be assigned to a Standard Case Management Track. Accordingly, the Parties propose that discovery be completed within 180 to 269 days from the date of the Scheduling Order.

**D. PROPOSAL FOR THE FORMULATION AND SIMPLIFICATION OF
ISSUES, INCLUDING THE ELIMINATION OF FRIVOLOUS CLAIMS
OR DEFENSES, AND THE NUMBER AND TIMING OF MOTIONS
FOR SUMMARY JUDGMENT OR PARTIAL SUMMARY JUDGMENT**

The parties at this time have no proposals for simplification at this time but will endeavor to eliminate any claims or defenses in order to simplify the issues when appropriate. Defendant anticipates filing a Motion for Summary Judgment on or before the proposed deadline in the proposed Joint Scheduling Order.

**E. THE NECESSITY OR DESIRABILITY OF AMENDMENTS TO THE
PLEADINGS**

The parties have agreed upon a deadline to amend pleadings as set forth in the proposed Joint Scheduling Order

F. THE POSSIBILITY OF OBTAINING ADMISSIONS OF FACT AND OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION OR THINGS WHICH WILL AVOID UNNECESSARY PROOF, STIPULATIONS REGARDING AUTHENTICITY OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION OR THINGS, AND THE NEED FOR ADVANCE RULINGS FROM THE COURT ON ADMISSIBILITY OF EVIDENCE

The Parties agree to endeavor in good faith to enter into stipulations regarding the authenticity of documents and other evidentiary matters, if possible. Further, as discovery progresses, the parties will attempt to minimize the need for advance rulings by the Court and unnecessary proof by stipulating to facts that are not disputed.

G. SUGGESTIONS FOR THE AVOIDANCE OF UNNECESSARY PROOF AND OF CUMULATIVE EVIDENCE

None at this time, although the Parties agree to discuss suggestions for avoidance of unnecessary proof and cumulative evidence throughout the litigation.

H. SUGGESTIONS ON THE ADVISABILITY OF REFERRING MATTERS TO A MAGISTRATE JUDGE OR MASTER

The parties do not consent to referring the case to a Magistrate Judge.

I. PRELIMINARY ESTIMATE OF THE TIME REQUIRED FOR TRIAL

The parties estimate that this will be a 3-4 day jury trial.

J. REQUESTED DATES FOR CONFERENCES BEFORE TRIAL, A FINAL PRETRIAL CONFERENCE, AND TRIAL

The parties have proposed to commence trial during the two-week trial period beginning September 8, 2025. The parties request a final pre-trial conference between July 31, 2025 and the date of the calendar call.

K. ANY ISSUES ABOUT:

1. Disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced;

The parties do not anticipate any issues with respect to the discovery process and are on notice of the need for preservation of any information and evidence relating to the issues in these proceedings. The parties will work together to produce any discovery requested in the form(s) sought, including native format(s), if requested.

2. Claims of privilege or of protection as trial-preparation materials, including – if the parties agree on a procedure to assert those claims after production – whether to ask the court to include their agreement in an order under Federal Rule of Evidence 502; and

At this time, the parties are unaware of any claims relating to privilege that may arise in these proceedings. To the extent any claim(s) as to privilege arise through the course of these proceedings as to any discovery sought by the parties, the parties would agree to allow the Magistrate Judge to address any such objection(s).

Further, the parties request that the Court enter an Order under Fed. R. Evid. 502 stating the following: The production of privileged or work-product protected documents, electronically stored information (“ESI”) or other information, whether inadvertent or otherwise is not a waiver of the privilege or protection from discovery in this case or any other federal or state proceeding. This Order shall be interpreted to provide the maximum protection allowed by Federal Rule of Evidence 502(d).

Nothing contained herein is intended to or shall serve to limit a party’s right to conduct a review of documents, ESI or information (including metadata) for relevance, responsiveness and/or segregation of privileged and/or protected information before production.

3. When the parties have agreed to use the ESI Checklist available on the Court's website (www.flsd.uscourts.gov), matters enumerated on the ESI checklist; and

The parties DO foresee the need for the use of the Checklist for Rule 26(f) conference regarding electronically stored information. ("ESI").

L. OTHER INFORMATION THAT MIGHT BE HELPFUL TO THE COURT IN SETTING THE CASE FOR STATUS OR PRETRIAL CONFERENCE

Plaintiff: At this time, Plaintiff has no additional information to provide to the Court other than as contemplated above or in the attached proposed Joint Scheduling Order.

Defendant: Defendant does not have any additional information to provide to the Court at this time other than the information submitted in this Report and the proposed Joint Scheduling Order.

**ELEMENTS REQUIRED BY RULE 26(F),
F.R.C.P.**

A. Discovery plan pursuant to Rule 26 (f), Federal Rules of Civil Procedure:

1. Changes/time of disclosures

The Parties agree that Rule 26(a)(1) Initial Disclosures shall be made by: **June 3, 2024.**

2. Subjects and schedule for discovery

See attached Proposed Joint Scheduling Order.

3. Issues relating to e-discovery

The Parties agree to comply with Federal Rules of Civil Procedure in connection with the disclosure and discovery of electronically stored information to the extent it is requested. Documents, including electronic discovery, will be produced in searchable PDF format or by

printing the electronic documents. Electronic discovery does not have to be produced in its native form, unless the authenticity of a particular document becomes an issue in the case.

4. Issues relating to claims of privilege or work product

The Parties agree that these will be addressed in response to specific discovery items.

5. Any changes in limitations on discovery

None other than as contemplated above or in the attached proposed Joint Scheduling Order.

6. Any order which should be entered.

None at this time, other than as contemplated above or in the attached proposed Joint Scheduling Order.

ADDITIONAL ELEMENTS REQUIRED:

A. Whether this case has been previously filed.

No.

B. Whether this case is substantially related to another case previously or currently pending before another court.

No.

Dated: May 2, 2024

Respectfully submitted,

ATTORNEY FOR PLAINTIFF:

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